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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,173	10/31/2003	Vivek Jain	JP920030155US1	1599

7590 08/05/2008  
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EXAMINER
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AHMED, AFFAF

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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08/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/699,173	JAIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AFAF AHMED	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the amendment filed on 05/30/2008.
2. Claims 43,58, 68, 69 and 84 have been amended.
3. Claims 1-42 have been canceled.
4. Claims 43-84 are currently pending and have been examined.

### ***Response to Applicant's Arguments***

5. Applicant's amendment and arguments filed on 05/30/2008 have been fully considered, but are they are not persuasive and discussed in the next section. Applicant is reminded that claims must be given their broadest reasonable interpretations.

6. Applicant argues that Sundaresan does not teach "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping". Sundaresan in at least column 2, lines 1-15 discloses a system that monitors browsing pattern for first or second users (individual shopping data). The system also has the capability to inform the network site of first and second users' interest in co-browsing; and in column 2, lines 16-27 Sundaresan discloses co-browsing facility allows the first and the second users co-browse for items for sale (group shopping data). Furthermore, Sundaresan in at least column 5, lines 28-51 discloses a variety of ways for co-browsing between shoppers, one among which shoppers are notified if other shoppers with whom they have previously co-browsed are currently available for co-browsing. Shoppers are then notify the system of their interests or conditions for co-browsing with other shoppers with whom they have previously co-browsed and to identify those shoppers with whom they would prefer to co-browse again and/ or with whom they do not wish to co-browse again.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sundareasan's features of collecting individual shopper data and shopper group data comprised of previous interactions between individuals shoppers to create a shopper group interaction measure with the motivation of effectively targeting advertisements to shopper group based on shopper group interaction measure. Therefore, claims 43, 58, 68 and 69 and its dependent claims 44-57,59-67,70-83 are remained rejected.

7. Applicant argues that Bieganski does not disclose "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping". Bieganski was not used to address this limitation. Bieganski was used to address that there are many methods to form affinity groups and target consumers based on their preference data. As stated in the Office Action, Applicant's didn't limit the scope of claims 45-58,50-51,70-74 and 76-77 to particular structure, thus "Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C)".

8. Applicant also argues that Kholls does not disclose "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping". Kholls was not used to address this limitation. Kholls was used to address the limitation of: "specifying a merchant rule to target information to consumers". Therefore, claims 52-55, 59-63,67, 79-81 and 83 remained rejected.

9. Applicant further argues that Eldering does not disclose "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping". Eldering was not used to address this limitation. Eldering was used to address the limitation of "forming consumers group based on their demographics data". Therefore, claims 64-66 remained rejected.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 43, 44, 56, 58, 62, 68, 69, 70, 78, 82 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Sundareasan US Pat No: 7,219,072 B1.

**Claims 43, 58, 68, 69, 78 and 84**, Sundareasan teaches:

- *a computerized shopping system (see at least column 1, lines 46-67 and column 3, lines 34-51);*
- *collecting data regarding choices of individual shoppers when shopping individually;*
- *collecting group shopping data regarding the choices of individual shoppers when participating in group shopping, said group shopping comprising multiple individuals making at least one group purchase;*
- *sending said targeted information to one or more targeted shoppers;*

See at least column 2, lines 1-27;

- *determining an individual shopping behavior measure from the individual shopper data ;*
- *determining a group shopping behavior measure from the group shopping data;*

See at least column 2, lines 16-27 and column 5, lines 1-8;

- *determining targeted information on a basis of said shopper-group interaction measure;*

See at least column 2, lines 55-67, column 3, lines 18-30 and column 5, lines 18-51.

With regard to the limitation of:

- *determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interaction between individuals within a shopping group of individual performing said group interaction;* Sundareasan in at least column 2, lines 1-15 discloses a system that monitors browsing pattern for first or second users (individual shopping data). The system also has the capability to inform the network site of first and second users' interest in co-browsing; and in column 2, lines 16-27 Sundareasan discloses co-browsing facility allows the first and the second users co-browse for items for sale (group shopping data). Furthermore, Sundareasan in at least column 5, lines 28-51 discloses a variety of ways for co-browsing between shoppers, one among which shoppers are notified if other shoppers with whom they have previously co-browsed

are currently available for co-browsing. Shoppers are then notify the system of their interests or conditions for co-browsing with other shoppers with whom they have previously co-browsed and to identify those shoppers with whom they would prefer to co-browse again and/ or with whom they do not wish to co-browse again.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sundareasan 's features of collecting individual shopper data and shopper group data comprised of previous interactions between individuals shoppers to create a shopper group interaction measure with the motivation of effectively targeting advertisements to shopper group based on shopper group interaction measure.

**Claims 44, 49, 56, 62, 70 and 82:**

Sundersan discloses the limitations as shown above.

Sundersan further discloses:

- *wherein said shopper-group interaction measure is determined based on leadership index that is determined from records of shopper recommendations of said number of times other shoppers have followed such a recommendation (see at least column 3, lines 18-23 and column 4, lines 52-67).*

13. Claims 45-48, 50-51, 70-74 and 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundareasan US Pat No: 7,219,072 B1 in view of Bieganski et al US Pat No: 6,334,127B1.

**Claims 45-48, 50-51, 70-74 and 76-77:**

Sundareasan discloses the limitations as shown above.

Sundareasan does not disclose:

- *wherein said shopper affinity index is determined from a number of times a shopper has voted with other members of a group of shoppers.*
- *wherein said shopper affinity index is determined from a number of times a shopper's proposal has been voted for by other members of a group of shoppers.*
- *wherein said shopper affinity index is determined from a number of times a shopper has been invited by, or issued an invitation to other members of a group of shoppers.*
- *wherein said shopper affinity index is determined from a number of shopping groups that a shopper is a commonly member of with other shoppers.*

- *wherein said conformity index is determined from a voting record of said shopper regarding purchase proposals with reference to agreeing with a majority or lead shopper's vote within a group of shoppers.*
- *wherein said assertiveness index is determined from a voting record of said shopper regarding purchase proposal with reference to disagreeing with a majority of lead shopper's vote within a group of shoppers.*

However, Examiner notes applicant states that shopper-group interaction measure is determined based on any of a shopper affinity index, a leadership index, a conformity index, and an assertiveness index. it has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C). Furthermore, for the prosecution of this application Bieganski in at least column 6, lines 37-55 discloses that there are many different methods to form affinity groups. Therefore, it would have been obvious to one of ordinary skill in the art to combine Sundareasan's system and method of co-browsing in electronic commerce with Bieganski's online shopping system and method of recommending set of items from user preference and community preference with the motivation of offering attractive shopping environment that introduce elements of more conventional and personalized shop experience.

14. Claims 52-55, 57, 59-63, 67, 79-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundersan US Pat No: 7,219,072 B1 in view of Kolls US Pat No: 6,604,085B1.

**Claims 52-55, 57, 59-63, 67, 79-81 and 83:**

Sundareasan discloses the limitations as shown above.

Sundareasan does not disclose, however, Kolls does disclose:

- *wherein a shopper parameter specified by said merchant's rule to target information to a group or to individual shoppers for a particular promotion of goods or services (see at least column 32, lines 24-58).*

It would have been obvious to one of ordinary skill in the art to combine Sundareasan's system and method of co-browsing in electronic commerce with Kolls's system and method of universally controlling, distributing and displaying interactive advertising in electronic commerce with the motivation of targeting consumers and presenting them with effective advertisement to help them making an inform decisions in which products and/ or services to purchase.

15. Claims 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundersan US Pat No: 7,219,072 B1 in view of Kolls US Pat No: 6,604,085B1 in view of Eldering US Pat No: 6,298,348.

**Claims 64 and 66:**

Sundareasan discloses the limitations as shown above.

The combination of Sundareasan/Kholls does not disclose, however, Eldering does disclose

- wherein said group shopping measure is determined by a group of youthfulness;
- wherein individual shopping behavior measure comprises information on demographics, income, purchase history, and preferences (see at least column 2, lines 32-47 and column 6, lines 55-59).

It would have been obvious to one of ordinary skill in the art to combine Sundareasan's system and method of co-browsing in electronic commerce with Kolls's system and method of universally controlling, distributing and displaying interactive advertising in electronic commerce with Eldering's online consumer profiling system with the motivation of determining the applicability of advertisements to consumers.

**Claim 65:**

Sundareasan discloses the limitations as shown above.

The combination of Sundareasan/Kholls does not disclose::

- *wherein said group compatibility and agreement index is calculated based on a time series of group shopping history and said individual shopping behavior measure to give an indication of either assimilation leading to targeting information to a group, or lack of assimilation leading to targeting information to individual shoppers;*

However, Examiner note that applicant states that *wherein said group shopping measure is determined by any of: a group compatibility and agreement index, a maturity index, a group youthfulness index, and a group harmony index*. It has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C).



***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS from the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX Months from the mailing date of this final.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yehdega Retta/  
Primary Examiner, Art Unit 3622